



NEWS

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SUMMARY OF CASES ACCEPTED THE DURING WEEK OF MARCH 19, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-29 Myers v. Phillip Morris Companies, Inc., S095213. (9th Cir. No. 99-17383; 239 F.3d 1029.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The certified question is: "Do the amendments to Civil Code section 1714.45 that became effective on January 1, 1998, apply to a claim that accrued after January 1, 1998, but which is based on conduct that occurred prior to January 1, 1998?" The question of whether these amendments to Civil Code section 1714.45, which removed the immunity from products liability actions previously accorded tobacco manufacturers, apply to a claim that accrued prior to January 1, 1998, is before the court in Naegele v. R.J. Reynolds Tobacco Co., S090420 (#00-129).

#01-30 Garcetti v. Superior Court, S094676. (B143330; 85 Cal.App.4th 508.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case includes the issue of the appropriate role or use of actuarial or statistical evidence at a hearing to determine whether there was probable cause to commit the defendant under the Sexually Violent Predators Act. (Welf. & Inst. Code, § 6600 et seq.)

(over)

#01-31 Garcetti v. Superior Court, S094812. (B142294, B143136; 85 Cal.App.4th 782.) Petition for review after the Court of Appeal granted petitions for peremptory writ of mandate. The court ordered briefing deferred pending decision in Albertson v. Superior Court, S085899 (#00-32), which concerns whether a district attorney who is pursuing an action for commitment of a defendant as a sexually violent predator is entitled to the records of the defendant's mental health treatment in the state hospital subsequent to the filing of the petition for commitment and whether those records fall within the provisions of Welfare and Institutions Code section 5328 relating to confidentiality.

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